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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,579	07/02/2003	Brett M. Rose	2083	5443
39597	7590	07/13/2005		
OLSON AND OLSON 5412 SE FOSTER ROAD PORTLAND, OR 97206			EXAMINER PAHNG, JASON Y	
			ART UNIT 3725	PAPER NUMBER
DATE MAILED: 07/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,579

Applicant(s)

ROSE ET AL.

Examiner

Jason Y. Pahng

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 19 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The amendment overcomes the claim rejections under 35 U.S.C. 112 made in the last Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greist (US 965,813) in view of Branscome (US 5,624,077) and Walters et al. (US 5,875,979). Greist discloses a tumbling device with substantially all of the claimed structure including:

1. a substantially hollow tumbling drum (12) supported on a base frame for rotation (column 2, lines 81-94);
2. an opening (for cover 12) in one of the ends of the drum (12); and
3. a tilt means (Figures 1 and 2).

Greist discloses a rotation means for the drum, but does not recite that it is powered. Providing a power means is an ordinary engineering design. In a closely related art, Branscome discloses a tumbling device with a power drive means (42).

Art Unit: 3725

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Greist's drum rotation means with a powered drive, as such would be a mere design choice, specifically taught by Branscome.

Greist also does not disclose a second sizing ring with a larger opening. In a closely related art pertinent to the problem, Walters discloses a second sizing ring with a larger opening in order to allow a second shifting of a larger piece (Figure 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Greist with a second sizing ring with a larger opening in order to allow a second shifting of a larger piece, as taught by Walters.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greist (US 965,813) in view of Branscome (US 5,624,077) and Walters et al. (US 5,875,979) as applied above, further in view of Suverkrop (US 5,560,551). Claims 20 calls for a feed conveyor, with an infeed and outfeed ends, supported on the base frame for longitudinal movement. In a closely related art pertinent to the problem, Suverkrop discloses feed conveyor (32), with an infeed (P1) and outfeed ends (P2, P3), supported on a base frame (30) in order to feed material to be processed (Figure 2). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Greist with a feed conveyor supported on a base frame in order to feed material to be processed, as taught by Suverkrop.

With regard to claim 21, Suverkrop's feed conveyor includes a feed hopper (24) supported on a base frame.

Art Unit: 3725

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greist (US 965,813) in view of Branscome (US 5,624,077) and Walters et al. (US 5,875,979) as applied above, further in view of Kuhmonen (US 5,248,042). Claim 23 calls for the base frame to be mounted on a mobile transport vehicle. In a closely related art pertinent to the problem, Kuhmonen discloses a base frame mounted on a mobile transport vehicle in order to provide transportability to the screen drum (Figure 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Greist with a base frame mounted on a mobile transport vehicle in order to provide transportability to the screen drum, as taught by Kuhmonen.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greist (US 965,813) in view of Branscome (US 5,624,077), Walters et al. (US 5,875,979), and Suverkrop (US 5,560,551) as applied above, further in view of Kuhmonen (US 5,248,042). Kuhmonen is applied as applied in claim 23.

Allowable Subject Matter

Claims 19 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



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